Mr. Mohr

6/3/64

J. J. Casper

PROPOSED LEGISLATION TO PROVIDE FOR A FEDERAL LAW PROHIBITING ASSAULTING OR KILLING THE PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES

By attached memorandum of 6/3/64, Mr. Herbert E. Hoffman, Chief, Legislative and Legal Section of the Deputy Attorney General's Office, transmitted proposed Treasury Department reply to the Warren Commission's inquiry regarding a law making it a Federal crime to assault or kill the President "and his possible successors," and commenting particularly on which Federal law enforcement agency should have jurisdiction. The Bureau of the Budget wants the Department's views by today, 6/3/64, or tomorrow morning. Mr. Hoffman wants the Bureau's comments as soon as possible.

The proposed Treasury Department reply to the Warren Commission is essentially quite simple. It recommends a Federal statute creating the crime of assaulting or killing the President and others in line but without designating those other persons. The report recommends that the Secret Service and the FBI have dual jurisdiction over such offenses. It recommends that the Secret Service not be given binding authority to advise the President on his personal security. It also recommends that Secret Service Agents be given authority to make arrests without warrant in protecting the President. The Bureau is concerned with only the first two of these recommendations.

This issue has come up before. By the Director's letter of 4/22/64, to the Deputy Attorney General we stated that "we are opposed to any divided jurisdiction" and that the legislation "should contain a clear and unequivocal statement designating the agency having investigative responsibility." We also advised the Department that it is imperative that

Enclosure

1 - Mr. Callahan
1 - Mr. DeLoach
1 - Mr. Evans
1 - Mr. Rosen
1 - Mr. Sullivan
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the proposed legislation designate the President and specifically name the official position of the successors to the Office of the Presidency who are to be within the purview of the statute. This view was repeated to Mr. Hoffman on 4/27/64, by Section Chief Shroder and Supervisor Schutz of the Criminal Section, General Investigative Division, at a conference requested by Mr. Hoffman.

It is recommended that the Bureau adhere to the position already taken. This is done in the attached proposed letter to Mr. Hoffman.

RECOMMENDATION:

That the attached letter be sent to Mr. Herbert E. Hoffman, Chief, Legislative and Legal Section, Office of the Deputy Attorney General.